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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,245	06/08/2005	Minoru Yamamoto	121277	1270

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EXAMINER
MARINI, MATTHEW G

ART UNIT	PAPER NUMBER
2854	

DATE MAILED: 07/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _08 June 2005_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-17_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-17_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _28 September 2004_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some *   c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _7/19/05 and 6/8/05_.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Sheet package with identification mark, and printer using the package.

The disclosure is objected to because of the following informalities:

Page 1, lines 20, it appears that the word --for-- should be inserted between " As" and "the".

Appropriate correction is required.

Claim Objections

Claims 7, 10 and 16 are objected to because of the following informalities:

In line 2 of each claim, it is unclear as to what the applicant means by "an error is formed at every part of the sheet package". Appropriate correction is required.

These claims will be examined hereafter with the understanding that the error mark trips the sensor if there is an improper loading of the sheet package.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Takano et al. (5,053,814).

With respect to Claim 1, Takano et al. teaches in Fig. 1, a sheet package, 1, comprising sheets, 5 as seen in Fig. 2, as print medium for a printer, 2, and a package member, 1, surrounding the sheets, 5, which have been stacked up, as seen in Fig. 2, the sheet package being configured so that the sheets can be set in the printer, together with the package member like in Fig. 2, exposing part of the sheets at 6, 7, and 9, wherein the package member includes an identification mark, 12, that the identification mark will be placed in a reading area of a sensor, 22 of Fig. 5, provided in the printer, 2, only when the sheet package is set in the printer in a correct direction, Col. 7 lines 3-15.

With respect to Claim 2, Takano et al. teaches in Fig. 1, the sheet package, 1, where the sheet package, 1, is configured so that the identification mark, 12, will be placed in the reading part of the sensor, 22, provided in the printer, 2, only when the sheet package, 1, is set in the printer in the correct direction, Col. 7 lines 4-9, and the sheets, 1, are practically exposed from the package member, Col. 2 lines 48-51.

With respect to Claim 5, Takano et al. teaches in Fig. 1 the sheet package, 1, wherein the identification mark, 12, indicates information about the sheets, Col. 2 lines 60-65.

With respect to Claim 6, Takano et al. teaches in Fig. 1 the sheet package, 1, wherein the identification mark, 12, is formed by a plurality of indicator bits, Col. 2 lines 57-60.

With respect to Claim 7, Takano et al. teaches in Figs. 1 and 8 the sheet package, 1, wherein an error mark, 13, is capable of being printed by print means, 30, for letting the sensor, 23 detect an error when the sheet package is set in the printer in an incorrect direction, Col. 7 line 66- to Col. 8 line 12. The functional language that describes how the sensor uses the error mark is given no patentable weight in the described apparatus claim.

With respect to Claim 8, Takano et al. teaches in Fig. 1 the sheet package, 1, wherein the error mark is formed by a plurality of indicator bits indicating the same information, Col. 4 lines 28-36.

With respect to Claim 9, Takano et al. teaches in Figs. 1 and 8, the sheet package, 1, where an error mark, 13, is capable of being printed by print means 30, at a part of the sheet package for letting the sensor, 23, detect an error when the sheet package is set in the printer back to front, Col. 7 line 66- to Col. 8 line 12. The functional language that describes how the sensor uses the error mark is given no patentable weight in the described apparatus claim.

With respect to Claim 10, Takano et al. teaches in Fig. 1 the sheet package, 1, wherein an error mark, 13, is capable of bring printed by print means, 30, for letting the sensor, 23, detect an error is formed at a part of the sheet package when the sheet package is set in the printer upside down, Col. 7 line 66- to Col. 8 line 12. The functional language that describes how the sensor uses the error mark is given no patentable weight in the described apparatus claim.

With respect to Claim 11, Takano teaches a system seen in Fig. 9, comprising a sheet package, 1, including sheets, 5, as print mediums and a package member surrounding the sheets stacked up, as seen in Fig. 1 and a printer, 2, using the sheet package, 1, wherein the printer include a sensor, 22 and 23, wherein the sheet package, 1, is configured so that the sheets can be set in the printer together, as seen in Fig. 9, with the package member exposing part of the sheets, through slit 9, the package member, 1, being provided with an identification mark, 12, so that the identification mark, 12, will be placed in a reading area of the sensor, 22, of the printer, 2, only when the sheet package is set in the printer in a correct direction, Col. 7 lines 3-15, and wherein the printer operates depending on whether the identification mark, 12, can be read by the sensor or not, Col. 7 lines 32-39.

With respect to Claim 12, Takano teaches the system seen in Fig. 9, wherein the printer is configured to inform a user of a error when the identification mark, 12, can not be read by the sensor, 22 as seen in Col. 6 line 65 to Col. 7 line 9.

With respect to Claim 13, Takano teaches the system seen in Fig. 9, wherein the printer, 2, is configured to regulate its sheet feed operation when the identification mark can not be read by the sensor, 22 as seen in Col. 6 line 65 to Col. 7 line 9.

With respect to Claim 14, Takano teaches the system seen in Fig. 9, wherein the identification mark, 12, indicates information about the sheets, Col. 2 lines 60-65, and wherein the printer recognizes the type of sheets by letting the sensor, 22, read the information of the sheets indicated by the identification mark, 12, as seen in Col. 7 lines 16-31.

With respect to Claim 15, Takano teaches the system seen in Fig. 9, wherein the identification mark, 12, is formed by a plurality of indicator bits, seen in Fig. 1, and wherein the printer included a plurality of sensors, 28 and 29, corresponding to the indicator bits forming the identification mark, 12.

With respect to Claim 16, Takano teaches the system seen in Fig. 9, wherein an error mark, 13, for letting the sensor, 23, detect an error when the sheet package is set in the printer in a incorrect direction, Col. 7 line 66- to Col. 8 line 12, the error mark, 13, being formed by a plurality of indicator bits indicating the same information, and wherein the printer, 2, is configured to inform the user of an error and regulated its sheet feed operation when all the sensors read the same value, Col. 7 lines 59-65. The functional language that describes how the sensor uses the error mark is given no patentable weight in the described apparatus claim.

With respect to Claim 17, Takano teaches the system seen in Fig. 9, wherein the sensor, 22, is implemented by a reflective sensor, as seen in Fig. 6.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takano et al. (5,053,814) in view of Ishiduka et al. (6,217,019).

As to Claims 3 and 4, Takano et al. teaches all that is claimed in the above rejection of Claim 2 except, the package member formed with a flap part, so that the flap part can be set in a closed state in which the sheets are totally covered by the package member and in an opened state in which the sheets are partially exposed, and wherein the flap part is provided with the identification mark so that identification mark will be placed in the reading area of the sensor, 22 of Takano, provided in the printer where the flap part has been set in the open state, wherein an error mark for letting the sensor detect an error is formed at a position on the package member that corresponds to a position where the identification mark exists when the flap part is in the open state and wherein the error mark is placed in the reading area of the sensor of the printer when the sheet package is set in the printer with the flap part closed.

Ishiduka et al. teaches in Fig. 3a the package member, 20, formed with a flap part, 20d, so that the flap part, 20d, can be set in a closed state in which the sheets are totally covered, Fig. 3c, by the package member, 20, and in an opened state in which the sheets are partially exposed, and wherein the flap part, 20d, is provided with the identification mark, 29, so that identification mark will be placed in the reading area of the sensor 22 of Takano, provided in the printer where the flap part 20d has been set in the open state, wherein an error mark, 13 of Takano being printed of the flap, 20d, for letting the sensor detect, 23, an error is formed at a position on the package member that corresponds to a position where the identification mark, 13, exists when the flap part, 20d, is in the open state and wherein the error mark is placed in the reading area of the sensor of the printer when the sheet package is set in the printer with the flap part

closed. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Takano to include the flap, 20d of Ishiduka where the bar code and error mark are printed because Ishiduka teaches in Col 6 lines 17- 26, the bar code printed on the flap, 20d, allows the printer to read the paper information off the bar code allowing the printer to adjust printing quality according to the paper type.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew G. Marini whose telephone number is (571)-272-2676. The examiner can normally be reached on Monday-Friday 8:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571)-272-2168. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew Marini

07/11/06

REN YAN
PRIMARY EXAMINER